



# MAYOR AND COUNCIL AGENDA

NO. 9

DEPT.: Recreation and Parks/Police

DATE: July 19, 2004

**ACTION:** Adoption of Ordinance To Amend Chapter 13, "Miscellaneous Provisions and Offenses" to Add a New Section 13-70 entitled "Restrictions on Use of Wheeled Recreational Vehicles," So As To Regulate the Use of Skateboards, Roller Skates, Scooters, Bicycles, Electric Personal Assistive Mobility Devices, and Other Similar Recreational Vehicles, and to Further Provide for the Enforcement of the Regulations, Including but Not Limited To the Confiscation of such Vehicles Operated in Violation of the Regulations.

This ordinance will allow the City to restrict use of these recreational vehicles in ways that damage property and/or present potential risks to other persons. Safe and responsible use of these vehicles will not be affected.

## ACTION STATUS:

**FOR THE MEETING OF:** 7/26/04

INTRODUCED 5/10/04

PUB. HEARING

INSTRUCTIONS

APPROVED

EFFECTIVE

## ROCKVILLE CITY CODE,

CHAPTER 13

SECTION 13-70

☐ CONSENT AGENDA

**RECOMMENDATION:** Adopt the Ordinance Amendment. Staff recommends setting the fine for violation of the ordinance at \$100 per incident.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Neighborhood: This ordinance will allow the City to restrict use of these recreational vehicles in ways that damage person and property. It will make sidewalks in the Town Center and other neighborhoods safer, and allow the City Police to protect public and private property from damage caused by destructive uses of these recreational vehicles. Safe and responsible use of these vehicles will not be affected.

**BACKGROUND:** The proposed ordinance restricts reckless, careless and destructive uses of "wheeled recreational vehicles:" skateboards, roller skates, scooters, bicycles and unicycles. This is a companion Ordinance Amendment to the proposed amendment of Section 13-70, which applies the "Restrictions on Use of Wheeled Recreational Vehicles" apply to the public parks.

The amendment is responsive to two problems that have been articulated by many City residents, business owners, as well as City staff and City Police:

- Use of these recreational vehicles in a manner that endangers persons or property. As stated in the proposed ordinance: use in a negligent manner, defined as use in a careless, inattentive, or imprudent manner that endangers persons or property.
- Use of these recreational vehicles on any vertical surface located on public property and not designed for use by the specific wheeled vehicle, including but not limited to benches, outdoor tables, planters, public art, and walls.

The ordinance would allow the Police to confiscate these recreational vehicles from any person who is observed using one of them in violation of the ordinance. Once the fine is paid (if applied) the vehicle will be returned to the offender. If the offender is a juvenile the vehicle is returned to the parent (or guardian).

Many communities have placed restrictions on use of these recreational vehicles. In some cases, skateboarding and in-line skating have been outlawed completely, particularly in downtown areas. Since many adults and children enjoy these activities and practice them in a safe and responsible manner, staff is recommending this approach of restricting only reckless and destructive uses.

**Public Information Since Introduction:** This ordinance amendment was formally introduced by the Mayor and Council at the May 10, 2004 General Session. Since that time, the following actions have been taken to publicize the proposed changes:

- Article in Rockville Reports
- Cable TV Interview – Burt Hall
- Press Release
- Article in Rockville Gazette
- Article in Washington Post – Montgomery Weekly
- TV Interview – Channel 8
- TV Interview – WJLA Channel 7
- Associated Press Wire Story

Two comments have been received from the public, both supportive of the ordinance amendments.

**Implementation:** The Police will implement a "break-in" period in which violators are approached and informed about the new law, issued warnings as appropriate. Following this initial period, the Police will implement full application of the ordinance.

PREPARED BY:

Burt Hall

7-21-04

Burt Hall, Director of Recreation and Parks      Date

CONCUR:

Terry Treschuk

7-21-04

Terry Treschuk, Chief of Police

Date

APPROVE:

Catherine Tuck Parrish

Catherine Tuck Parrish, Acting City Manager

7/21/04

Date

**LIST OF ATTACHMENTS:**

Proposed ordinance

Ordinance No. \_\_\_\_\_

ORDINANCE:

To amend Chapter 13, "Miscellaneous Provisions and Offenses" to add a new section 13-70 entitled "Restrictions on use of wheeled recreational vehicles" so as to regulate the use of skateboards, roller skates, scooters, bicycles, electric personal assistive mobility devices, and other similar recreational vehicles, and to further provide for the enforcement of the regulations, including but not limited to the confiscation of such vehicles operated in violation of the regulations

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, THAT Chapter 13, "Miscellaneous Provisions and Offenses" be amended by adding a new section 13-70 to read as follows:

**Section 13-70. Restrictions on use of wheeled recreational vehicles.**

(a) For the purpose of this section:

(1) *Wheeled recreational vehicle* means a device with one or more wheels commonly used for the transportation of individuals for recreational purposes, including but not limited to skateboards, roller skates, scooters, bicycles, unicycles, electric personal assistive mobility devices ("EPAMD") as defined in the Maryland Vehicle Law, and any play vehicles as defined in the Maryland Vehicle Law. This definition does not include baby carriages, strollers, walkers, wheelchairs, motorized chairs, and similar vehicles used by persons requiring assistance with mobility.

(2) *Roller skate* means any shoe or boot having wheels attached for locomotion, or any mechanism that attaches wheels to a shoe or boot. *Roller skates* include four-wheeled "quad" skates and "inline" skates ("roller blades").

(3) *Scooter* means a long footboard between end wheels, with or without a seat, controlled by an upright steering handle attached to the front wheel(s). The definition includes both non-motorized scooters and motorized scooters, but does not include motor scooters as defined in the Maryland Vehicle Law.

(4) *Skateboard* means a single platform mounted on wheels.

(b) No person shall ride, operate, or use a wheeled recreational vehicle in a negligent manner on any street, roadway, sidewalk, parking lot, or other paved surface within the city's

corporate limits. A wheeled recreational vehicle is used in a negligent manner when it is used in a careless, inattentive, or imprudent manner that endangers persons or property.

(c) No person shall ride, operate, or use a wheeled recreational vehicle on any vertical surface located on public property or private property open to public and not designed for use by the specific wheeled vehicle, including but not limited to benches, outdoor tables, planters, public art, and walls.

(d) No person shall apply any foreign substance, including wax, oil, or other similar material, either as a solid or liquid, onto any curb, stair, railing, ramp, sidewalk, bench, or other structure or surface for the purpose of aiding any stunt, turn or other acrobatic action while riding a wheeled recreational vehicle.

(e) In addition to the penalties and remedies available under sections 1-9 and 1-11 of this Code, a uniformed police officer may confiscate any wheeled recreational vehicle observed being used or operated in violation of any provision of this section. Where a municipal infraction citation has been issued, the confiscated recreational vehicle shall be returned, upon request, to its owner upon payment of the fine or upon final resolution of the citation. In cases where the offender is a juvenile, the confiscated wheeled recreational vehicle shall be returned pursuant to this subsection to the juvenile's parent or guardian. Confiscated wheeled recreational vehicles not reclaimed within 30 days of confiscation shall be deemed to have been abandoned by its owner and may be disposed of in the same manner as surplus City property.

NOTE: Underlining indicates material added

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I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of

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Claire F. Funkhouser, CMC, City Clerk